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CHARACTERISTICS OF PAROLE AUTHORITIES AND PAROLE ELIGIBILITY PROVISIONS IN OTHER STATES

A Report Prepared for the Criminal Justice and Corrections Advisory Council

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In most states, paroling authorities have the power to determine the amount of time that an inmate will serve in prison before being released to the community under supervision. At least twelve states (Alaska, California, Colorado, Connecticut, Florida, Illinois, Indiana, Maine, Minnesota, New Mexico, North Carolina, and Washington) have eliminated this discretionary power.[1] These states have determinate sentencing structures that require an inmate to serve in full a fixed sentence, minus any accrued good time. Some discretionary paroling may continue in these states for inmates sentenced before the determinate sentencing laws took effect.

Data on each state's paroling authority and statutory provisions for parole eligibility are provided in the following three tables.

Table I identifies each state's paroling authority and indicates whether the paroling authority administers parole field services, whether it is an independent agency, the number of board members, and whether the board is full-time. (The data are current as 1985.)

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[1] Department of Justice. Bureau of Justice Statistics, "Setting Prison Terms," Bureau of Justice Statistics Bulletin, (August 1983), p. 2. Dennis M. Papp, Appointment, Required Qualifications, Tenure, Authority Over, and Removal of Members of Parole-Granting Entities in the Fifty States, (Columbus, Ohio: Legislative Services Commission, June 1985), pp. 34 - 35.

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According to Table I :

-- Most parole boards (including Montana) do not administer parole field services; these services are provided by a corrections department or division. However, in nine states (Alabama, Georgia, Hawaii, Massachusetts, Missouri, Pennsylvania, South Dakota, Tennessee, and Texas), the paroling authority is responsible for field services.
-- The parole boards in 45 states (including Montana) are independent agencies; only Maryland, Michigan, Minnesota, Ohio, and Wisconsin do not have independent paroling authorities.
-- The size of the parole boards range from three to 15 members. Nearly half the paroling authorities (23 states) have five members. (The Montana Board of Pardons has three members.)
-- Thirty states have full-time boards; in the remaining states (including Montana), board members serve part-time.

(Table I appears on the following page.)

TABLE I

Characteristics of State Paroling Authorities (As of 1985)

Jurisdiction	Name of agency	Administrator of parole field services	Independent agency	Number of board members	Full-time board
Alabama	Board of Pardons and Paroles	Board of Pardons and Paroles	Yes	3	Yes
Alaska	Board of Parole	Department of Corrections	Yes	5	No
Arizona	Board of Pardons and Paroles	Department of Corrections	Yes	7	Yes
Arkansas	Board of Pardons and Paroles	Department of Correction	Yes	5	No
California	Board of Prison Terms	Department of Corrections	Yes	9	Yes
Colorado	Board of Parole	Department of Corrections	Yes	5	Yes
Connecticut	Board of Parole	Department of Correction	Yes	11	No[a]
Delaware	Board of Parole	Department of Correction	Yes	5	No[a]
District of Columbia	Board of Parole	Department of Corrections	Yes	3	Yes
Florida	Parole and Probation Commission	Department of Corrections	Yes	9	Yes
Georgia	Board of Pardons and Parole	Board of Pardons and Parole	Yes	5	Yes
Hawaii	Paroling Authority	Paroling Authority	Yes	3	No[a]
Idaho	Commission for Pardons and Parole	Department of Corrections	Yes	5	No
Illinois	Prisoner Review Board	Department of Corrections	Yes	10	Yes
Indiana	Parole Board	Department of Corrections	Yes	5	Yes
Iowa	Board of Parole	Department of Corrections	Yes	7	No
Kansas	Adult Parole Authority	Department of Corrections	Yes	3	Yes
Kentucky	Parole Board	Corrections Cabinet	Yes[b]	5	Yes
Louisiana	Board of Parole	Department of Public Safety and Corrections	Yes	5	Yes
Maine	Parole Board	Department of Corrections	Yes	5	No
Maryland	Parole Commission	Department of Public Safety and Correctional Services	No	7	Yes
Massachusetts	Parole Board	Parole Board	Yes	7	Yes
Michigan	Parole Board	Department of Corrections	No	7	Yes
Minnesota	Department of Corrections, Office of Adult Release	Department of Corrections	No	4	No[a]
Mississippi	Parole Board	Department of Corrections	Yes	5	No[a]
Missouri	Board of Probation and Parole	Board of Probation and Parole	Yes	5	Yes
Montana	Board of Pardons	Department of Institutions	Yes	3	No
Nebraska	Board of Parole	Department of Correctional Services	Yes	5	No[c]
Nevada	Board of Parole Commissioners	Department of Parole and Probation	Yes	3	Yes
New Hampshire	Board of Parole	Department of Corrections	Yes	5	No
New Jersey	Parole Board	Department of Corrections	Yes	7	Yes
New Mexico	Parole Board	Corrections Department	Yes	3	Yes
New York	Board of Parole	Division of Parole	Yes	15	Yes
North Carolina	Parole Commission	Department of Correction	Yes	5	Yes
North Dakota	Parole Board	Parole and Probation Department	Yes	3	No
Ohio	Adult Parole Authority	Department of Rehabilitation and Correction	No	7[d]	Yes
Oklahoma	Pardon and Parole Board	Department of Corrections	Yes	5	No
Oregon	Board of Parole	Corrections Division	Yes	5	Yes
Pennsylvania[e]	Board of Probation and Parole and County Courts	Board of Probation and Parole and County Courts	Yes	5	Yes
Rhode Island	Parole Board	Department of Corrections	Yes	5	No
South Carolina	Parole and Community Corrections Board	Department of Parole and Community Corrections	Yes	7	No
South Dakota	Board of Pardons and Paroles	Board of Charities and Corrections	Yes	3	No
Tennessee	Board of Paroles	Board of Paroles	Yes	5[f]	Yes
Texas	Board of Pardons and Paroles	Board of Pardons and Paroles	Yes	6[f]	Yes
Utah	Board of Pardons	Division of Corrections	Yes	3	Yes
Vermont	Board of Parole	Department of Corrections	Yes	5	No
Virginia	Parole Board	Department of Corrections	Yes	5	Yes
Washington	Board of Prison Terms and Paroles	Department of Corrections	Yes	7	Yes
West Virginia	Board of Probation and Parole	Department of Corrections	Yes	3	Yes
Wisconsin	Parole Board	Division of Corrections	No	7	Yes
Wyoming	Board of Parole	Department of Probation and Parole	Yes	5	No
Federal	Parole Commission	Federal District Courts	Yes	9	Yes

Note: This information was collected through a mail survey sent to the director of each State department of corrections. Questionnaires may have been forwarded to another office. The column "independent agency" refers to the status of the State paroling authority.

[a]The chairman serves full-time; members serve part-time.
[b]Attached to Corrections Cabinet for administrative purposes only.
[c]The chairman and two members serve full-time; two members serve part-time.
[d]Nine hearing officers expand the functions of the Parole Board.
[e]The Board of Probation and Parole provide services when the sentence is over 2 years; the County Courts provide services when the sentence is 2 years or less.
[f]Plus a nine-member Parole Commission.

Source: Timothy J. Flanagan and Edmund F. McGarrell, eds. Sourcebook of Criminal Justice Statistics 1986, (Washington, D.C.: U.S. Government Printing Office, 1986), p.36.

Table II provides information on appointment of parole board members, whether board members must meet specific requirements regarding education, training, and/or experience, and the term of office for board members. (The data are current as of June 1985.) According to Table II:

-- Forty states (including Montana) provide for gubernatorial appointment of all parole board members. Four states (Alabama, Florida, Hawaii, and Kentucky) provide for a nominating commission or committee and require the governor to make appointments from a list of candidates submitted by the commission or committee.
-- In five states (Idaho, Maryland, Michigan, Ohio, and Utah), parole board appointments are made by a state agency official. In Oklahoma, South Dakota, and Texas, three elected officials share appointment powers.
-- In 34 states, appointments to the parole board require legislative confirmation or consent.
-- Thirty states (including Montana) require board members to satisfy certain educational, training, and/or experience requirements prior to appointment.
-- The most common terms of office for parole board members are four and six years. Fifteen states provide for four-year terms while sixteen states provide for six-year terms. (The term for Montana board members is four years.)

(Table II appears on the following pages.)

TABLE II

Appointing Authority, Qualifications, Terms
(As of June 1985)

	Appointing Authority	Leg. Consent Required	Ed./Train./ Exper. Quals.	Term
Alabama	Governor[1]	Yes	No	6 years
Alaska	Governor	Yes	Yes[2]	4 years
Arizona	Governor	Yes	Yes	5 years
Arkansas	Governor	Yes	No	
California	Governor	Yes	No	4 years
Colorado	Governor	No	Yes	6 years
Connecticut	Governor	Yes	Yes	4 years
Delaware	Governor	Yes	Yes	
Florida	Governor[1]	Yes	No	4 years
Georgia	Governor	Yes	No	7 years
Hawaii	Governor[1]	Yes	Yes	4 years
Idaho	St. Brd of Corrections	Yes	Yes	5 years
Illinois	Governor	Yes	Yes	6 years
Indiana	Governor	No	Yes	4 years
Iowa	Governor	Yes	Yes	5 years
Kansas	Governor	Yes	Yes	4 years
Kentucky	Governor[1]	No	Yes	4 years
Louisiana	Governor	Yes	No	
Maine	Governor	No	Yes	4 years
Maryland	Sec. of Dept. of Pub. Safety & Corrections	Yes	Yes	6 years
Massachusetts	Governor[3]	Yes	Yes	Civ. serv.
Michigan	Dir. of Mich. Dept. of Corr.	No	No	Civ. serv.
Minnesota	-- Abolished in 1982 --			
Mississippi	Governor	Yes	Yes	4 years
Missouri	Governor	Yes	Yes	6 years
Montana	Governor	Yes	Yes	4 years
Nebraska	Governor	Yes	Yes	6 years
Nevada	Governor	No	No	4 years
New Hampshire	Governor	Yes	No	
New Jersey	Governor	Yes	Yes	6 years
New Mexico	Governor	Yes	Yes	3 years
New York	Governor	Yes	Yes	6 years
North Carolina	Governor	No	Yes	4 years
North Dakota	Governor	No	Yes	3 years
Ohio	Chief of Adult Adult Parole Authority	No	Yes	Civ. serv.

	Appointing Authority	Leg. Consent Required	Ed./Train./ Exper. Quals.	Term
Oklahoma	Gov., SC Just., Appellate Judge[4]	No	No	
Oregon	Governor	Yes	No	4 years
Pennsylvania	Governor	Yes	No	6 years
Rhode Island	Governor	No	Yes	3 years
South Carolina	Governor	Yes	No	6 years
South Dakota	Gov., Atty Gen., Sup. Court[5]	Yes	Yes	4 years
Tennessee	Governor	No	Yes	6 years
Texas	Gov., SC Just., Appellate Judge[6]	No	No	6 years
Utah	Brd of Corrections	No	No	6 years
Vermont	Governor	Yes	Yes	5 years
Virginia	Governor	Yes	No	4 years
Washington	Governor	Yes	No	5 years
West Virginia	Governor	Yes	Yes	6 years
Wisconsin				
Wyoming	Governor	Yes	No	6 years

Note: Blank spaces indicate data unavailable

[1]Nominating commission/committee used

[2]Only chairman required to meet qualifications

[3]Governor may appoint a nominating commission

[4]Governor appoints three members; Chief Justice of Supreme Court and Presiding Judge of Criminal Court of Appeals each appoint one member

[5]Governor, Attorney General, and Supreme Court each appoint one member

[6]Governor, Chief Justice of Supreme Court, and Presiding Judge of Court of Criminal Appeals each appoint one-third of the members

SOURCE: Dennis M. Papp, Appointment, Required Qualifications, Tenure, Authority Over, and Removal of Members of Parole-Granting Entities in the Fifty States, (Columbus, Ohio: Legislative Services Commission, June 1985).

Table III outlines each state's statutory provisions for parole eligibility as of May 1981. According to this table:

-- Fourteen states require inmates to serve their full term or minimum term, minus good time, before being considered for parole.
-- In nineteen states (including Montana), inmates become parole-eligible after serving a specific portion of their sentence.
-- Twelve states give their paroling authorities discretion to release inmates at any time.

(Table III appears on the following pages.)

TABLE III
STATUTORY PROVISIONS FOR PAROLE ELIGIBILITY
(AS OF MAY, 1981)

State	General	Special provisions
Alabama	1/3 of sentence or 10 years, whichever is less	Death sentence commuted to life: 15 years
Alaska	1/3 of term	
Arizona	1/2 or 2/3 of sentence, depending on sentence	Life: 25 years
Arkansas	Within discretion of parole board to release any time	Unless minimum term mandatory, first offenders released at any time Second offenders: 1/3 of sentence minus good time Subsequent offenders: 1/2 of sentence
California	Expiration of sentence minus good time	
Colorado	Term to be served in full minus good time	
Connecticut	Effective July 1, 1981, parole was abolished	
Delaware	1/3 of sentence less good time	Mandatory minimum must be served in full
District of Columbia	Expiration of minimum	
Florida	Parole guidelines have been developed that establish presumptive release dates based on seriousness of offense	Life: 25 years
Georgia	1/3 of sentence	
Hawaii	Within discretion of parole board	
Idaho	Life terms or terms greater than 30 years: 10 years; Less than life or 30 year terms: 5 years or 1/3 term, whichever is less	Some must serve mandatory minimums
Illinois	Service of term in full minus good time	
Indiana	Service of term in full minus good time	
Iowa	Board may release at any time; individual may be required to serve term in full minus only good time	Class A: Governor must commute to a term of years; review within 5 years Forcible felonies, previous conviction: 1/2 maximum imposed
Kansas	Following service of minimum term less good time earned	Class A requiring life: 15 years must be served; if firearm used, must serve minimum term or sentenced as habitual criminal
Kentucky	Parole board may release offender at any time	

State	General	Special provisions
Oklahoma	1/3 of minimum term of an indeterminate sentence (or determinate if applicable)	
Oregon	Anytime within discretion of parole board	For those convicted of "aggravated murder": 20 to 30 year service of term as specified by statute; Judge may recommend for any felony a minimum term to be served and parole board must respect this, except with affirmative vote of 4 board members
Pennsylvania	Maximum term of confinement greater than 2 years: eligible following expiration of minimum term; Maximum term of confinement less than 2 years: eligible any time prior to expiration of minimum term	
Rhode Island	Following service of 1/3 of term	Life term or designated habitual criminal: service of at least 10 years
South Carolina	Sentence less than 30 years: service of 1/3 of term; Sentence greater than 30 years: service of at least 10 years; Review after 1/4 of term	First offenders: service of minimum (1/4 of term)
South Dakota	1st offender: 1/4 of term; 2nd offender: 1/2 of term; Subsequent offenders: 3/4 of term (not applicable to life sentences)	
Tennessee	Minimum term or at least 1 year	Class X: following service of 40 percent of mandatory sentence
Texas	For offenders sentenced after Aug. 29, 1977: 1/3 of maximum term or minimum of 2 years	No offender serves more than 20 years without parole consideration
Utah	Determination of parole eligibility after 6 months of confinement	
Vermont	Anytime within discretion of parole board	
Virginia	1st offenders: 12 years or 1/4 sentence, whichever is less; 2nd offenders: 13 years or 1/3 sentence, whichever is less; 3rd offenders: 14 years or 1/2 sentence, whichever is less; Subsequent offenders: 15 years or 2/3 sentence, whichever is less	Life: 15 years Two or more life sentences: 20 years
Washington	Anytime within the discretion of the parole board	Mandatory minimums must be served prior to parole consideration Life terms: following service of 20 years minus good time
West Virginia	Following service of minimum term of sentence; Armed robbery: 1/3 of definite term	Life sentence, 1st conviction: service of 10 years; Life sentence, 2nd conviction: service of 15 years
Wisconsin	Following service of 1/2 of term	Life terms: service of 20 years minus good time
Wyoming	Anytime within the discretion of the parole board	

SOURCE: U.S. Dept. of Justice, Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics 1983, (Washington, D.C.: U.S. Governorment Printing Office, 1984), pp. 164 - 170.

State	General	Special provisions
Louisiana	1/3 of sentence	1st offenders with less than 5 years sentence: anytime prior to 1/3 of term; Life: ineligible unless term commuted to a fixed period of years
Maine	No parole; service of term in full minus good time	
Maryland	1/5 of term	Life: 15 years
Massachusetts	Violent offenders must serve 2/3 of minimum sentence Non-violent offenders must serve 1/3 of minimum sentence	Certain crimes require service of a minimum of 2 years Offenders serving life terms for crimes other than 1st or 2nd degree murder eligible for parole hearing after serving 15 years
Michigan	Expiration of minimum term minus good time	Mandatory minimum must be served in full
Minnesota	Expiration of sentence minus good time	Life: 20 years; Life with previous murder conviction: 25 years
Mississippi	1 year after admission to prison system within discretion of parole board	
Missouri	1/2 of term; no one shall serve more than 2/3 of term	Nondangerous offenders: 1/4 of term; Life: 30 years
Montana	1/3 of sentence or 1 year (nondangerous offenders)	Dangerous offenders: 1/2 of sentence
Nebraska	Expiration of minimum term minus good time	
Nevada	1/3 of sentence or 1 year, whichever is greater	
New Hampshire	Service of minimum term minus good time	Life: 18 years minus good time; Life for murder 1: 40 years minus good time
New Jersey	Anytime within discretion of parole board unless minimum term imposed	Offense classes 1 and 2 have a fixed minimum term to be served prior to parole consideration
New Mexico	Service of term in full minus good conduct	Life: 30 years
New York	Following expiration of minimum term	
North Carolina	For felony committed after July 1, 1981: 90 days before expiration of term minus good time	
North Dakota	Anytime within discretion of parole board	
Ohio	Expiration of minimum term minus good time	Capital offense: 15 years